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June 27, 1986

Memorandum

To: David Doyle, Soon-to-be RCDM Section Chief

From: Marcus G. Rivas, Missouri Coordinator, RCDM Section

Subject: Long-term Storage of "Dioxin" Wastes

The issue for preparing CA/COs for the ability to store the "dioxin" wastes is becoming increasingly prevalent. There are now at least three significant situations warranting relatively immediate permission to store and manage dioxin wastes under RCRA. Each of these facilities, for various reasons, does not have interim status for dioxin waste storage.

Monsanto-Queeny, Saint Louis, Missouri

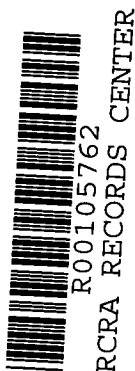
Monsanto was discovered to have dioxin wastes during the multi-tiered study conducted by Superfund. Monsanto was able to clean-up four of five buildings prior to the effective listing of the dioxin containing wastes. Monsanto had the clean-up materials incinerated at one of the PCB facilities ("six nines" efficiency) literally days before the July 15, 1985 deadline. They have one building left to clean-up. It is estimated that they will produce several barrels of waste from the clean-up operations from this last building.

Monsanto has informally requested that would allow them to proceed with clean-up operations at the remaining building. The clean-up residues then would be stored on-site until such time as a permitted disposal facility became available. Monsanto would like to start clean-up this summer.

Southwestern Bell, Eureka, Missouri

This past spring Southwestern Bell was installing a new underground cable and excavated soil from a confirmed dioxin site in Eureka, Missouri, the Rockwoods school site. This site is somewhat complicated by the fact that the City of Eureka is possibly negligent in their implementation of our MOU with them not to disturb soil from the dioxin areas. Southwestern Bell has generated approximately one dump truck full of soil (several cubic yards). Currently this soil is a covered waste pile in a landfill area. That is, the pile has not yet been incorporated as fill in a designated fill area. The excavation creating the waste pile occurred this past spring.

Southwestern Bell has proposed to Superfund to construct a mini-bunker around the waste pile. The creation of a hazardous waste storage pile without



interim status or a permit would require enforcement discretion from EPA.

Union Carbide, Saint Joseph, Missouri

In 1979, FIFRA recalled products containing 2,4,5-T (silvex) from the market. Under this program, the EPA indemnified the registrants. Union Carbide (UC) signed a consent agreement with EPA in 1984 that provided EPA would purchase the indemnified material. However, shortly after the agreement was signed, the dioxin rule went into effect. EPA refused to take possession of the material as there were no available disposal sites. EPA told the companies to manage the waste until EPA determined what to do with it. As long as the material is contained in bags or drums, UC has a legitimate product. However, when a drum leaks or a bag spills, a RCRA-regulated dioxin waste is generated.

In August 1985, after the dioxin rule was in effect, UC had the opportunity to sell some of the material to a Canadian firm. At that time, UC found some of the barrels that had been stored for five years were not adequate for shipping and the product had to be transferred to new containers. The old containers were triple-rinsed and the rinseate (a listed hazardous waste) was stored in a 10,000 gallon railroad tank car. The 2,3,7,8-TCDD concentration of the rinseate has been determined to be 138 parts per trillion.

A further complication of this situation, UC has been consolidating the product from their other plants to the Saint Joseph plant. UC had previously stored the product in three locations: Saint Joseph, Missouri; Philadelphia; and New York City. As a result of solid product spills and clean-up of spills, UC estimates there may be as much as 5,000 pounds of dioxin wastes at each of the two sites. UC would like to consolidate all of the wastes at the Saint Joseph plant; however, that facility has neither interim status nor a permit. UC has already transported from Philadelphia, without benefit of manifest, one Gaylord (registered trademark) box of contaminated soil and one overpack drum of rinseate to Saint Joseph. They claim these were mistakenly sent as product.

Finally, there is a house in Columbia, Missouri that had been owned by a former salesman for the company that previously had owned the UC Saint Joseph facility prior to UC. This individual had stored experimental and standard silvex products in the basement of his residence there in Columbia. Some of those products have leaked and contaminated the dirt basement of the Columbia home. Union Carbide has agreed to clean-up the contaminated basement, and they would like to take the clean-up residues to their Saint Joseph facility.

UC would like to complete consolidation of the product and all of the wastes to the Saint Joseph facility and has contacted EPA requesting enforcement discretion for the illegal transport and their present storage operation without a permit or interim status. This would enable UC to complete the transfer of the wastes from their Philadelphia and New York City plants to their Saint Joseph facility. The duration of the discretion is until a permitted disposal facility is available.

It is necessary to grant these facilities enforcement discretion that they might operate within the regulated universe. The issuance of a CA/CO would give us an enforcement rein on the otherwise unfettered facility.

Several weeks ago, I was told that CNSL (David Kopp) had prepared a boiler plate CA/CO for the dioxin storage facilities. I obtained a copy of this document from CNSL, but it was obviously a draft. We should encourage CNSL to finalize this CA/CO that we might start issuing enforcement discretions prior to their impending political escalation.

Please contact me if I can provide further assistance on this issue. Mike Sanderson is already aware of these cases, but has previously received only verbal communiques.

For additional information, should I not be available, the following individuals are most familiar with the respective cases:

Monsanto-Queeny
Southwestern Bell
Union Carbide

John Smith, PMTS/RCRA
Steve Kinser, SCDM/SPFD
Faye Sandberg, STPB/RCRA